

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 303 (Sub-No. 46X)

WISCONSIN CENTRAL LTD.— ABANDONMENT EXEMPTION—
IN LAKE COUNTY, ILL.

Decided: February 1, 2016

By decision served on June 25, 2015, the Board, under 49 U.S.C. § 10502, exempted from the prior approval requirements of 49 U.S.C. § 10903 the abandonment by Wisconsin Central Ltd. (WCL) of 3.6 miles of rail line between milepost 71.0 in North Chicago, Lake County, Ill., and milepost 74.6 in Waukegan, Lake County, Ill. (the Line). Notice of the exemption was served and published in the Federal Register on March 31, 2015 (80 Fed. Reg. 17,141).

The Board's June 25, 2015 decision imposed three environmental conditions on WCL's abandonment of the Line, as recommended by the Board's Office of Environmental Analysis (OEA). The first condition required WCL to consult with the Chicago District of the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States and to comply with the Corps' reasonable requirements before beginning any salvage activities. The second condition required WCL to consult with the U.S. Fish and Wildlife Service (USFWS) to discuss potential impacts to any federally listed endangered or threatened species and report the results of this consultation to OEA in writing. Should any potential impacts be identified, the condition required WCL to consult with OEA and USFWS to develop appropriate mitigation measures. The third condition required WCL to consult with the Illinois State Coastal Management Office (ISCMO), pursuant to the Coastal Zone Management Act, 16 U.S.C. § 1451 et seq., and the Board's environmental regulations, 49 C.F.R. § 1105.9, to determine whether state coastal management consistency certification is required. This condition required WCL to report the results of the consultation to OEA in writing and have the Board remove this condition before WCL could file its consummation notice or initiate any salvage activities.

In a supplemental final environmental assessment dated December 8, 2015, OEA states that WCL provided OEA with the results of its consultations with the Corps, the USFWS, and the ISCMO and submitted copies of correspondence with each entity. OEA states that the USFWS provided WCL with its determination of "No Effect" for the proposed abandonment. Second, OEA states that the Corps provided comments stating that the proposed abandonment does not require a Corps permit as any salvage activity would be performed within the existing railroad right-of-way and would not result in the discharge of any materials into waters of the United States. Lastly, OEA states that the ISCMO indicated that the proposed abandonment is not the type of activity that would affect land or water use or resources within the coastal zone

and therefore, no further consultations are necessary. Based on the results of these consultations, OEA recommends the removal of all three environmental conditions.¹

Accordingly, based on OEA's recommendation, the proceeding will be reopened and the three previously imposed environmental conditions will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proceeding is reopened.
2. The three environmental conditions imposed in the June 25, 2015 decision are removed.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

¹ We note that the first two conditions were not barriers to WCL's consummation of the Line, and, by their terms, need not be removed to permit consummation. However, we are removing them, along with the condition requiring consultation with the ISCMO, as they were all satisfied at the same time.